IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 20362 of 2007(Y)

PETITIONER:

PRAMESH, S/O. VASU, AGED 27 YEARS,
PARUTHA HOUSE, CHERANELLUR DESOM,
KOOVAPADI VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT. (OWNER OF MINI LORRY BEARING
REGN.NO.KL-7/AY-8594).

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT.

2. CIRCLE INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION.

3. THE SECRETARY,
KOOVAPPADY GRAMA PANCHAYATH, ERNAKULAM DISTRICT.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 20362 OF 2007

DATED THIS THE 11th DAY OF JULY, 2007

JUDGMENT

The petitioner's vehicle bearing registration No.Kl-7-Ay-8594 has been seized on allegations of illegal transportation of river sand. The petitioner submits that although the seizure was on 28.6.2007, the 1st respondent has not yet passed final orders and therefore, the petitioner may be granted interim custody of the vehicle.

2. The learned Government pleader submits that even if the District Collector releases the vehicle, the petitioner has to approach the concerned Judicial I Class Magistrate. Since the proceedings for prosecution of the petitioner is pending before the Judicial I Class Magistrate, ultimately he has to get release of the vehicle by orders of the Magistrate only.

3. Having heard both sides, I dispose of this writ petition with the following directions.

The 1st respondent District Collector shall pass orders of release of the vehicle on the petitioner depositing an amount of Rs.25,000/- and furnishing proof of ownership of the vehicle. The petitioner shall also undertake not to alienate or otherwise part with

possession of the vehicle, till the District Collector passes final orders. Thereafter, the petitioner would be free to move the I Class Judicial Magistrate for release of the vehicle in accordance with the Code of Civil Procedure. The respondents shall take appropriate steps, if the Magistrate orders release of the vehicle

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd

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PA TO JUDGE.